

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-71854

CARLTON MYERS, and  
SWEETENERS PLUS, INC.,

HONORABLE AVERN COHN

Defendants.

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**ORDER DENYING DEFENDANTS' MOTION TO DISMISS COMPLAINT DUE TO  
EXPIRATION OF THE APPLICABLE STATUTE OF LIMITATIONS**

This is an action to enforce a civil penalty. Plaintiff, the United States of America (the government), is suing defendants Carlton Myers and Sweeteners Plus, Inc. under 19 U.S.C. § 1595a(b).

Before the Court is defendants' motion to dismiss the complaint due to expiration of the applicable statute of limitations.<sup>1</sup> Based on the Court of Appeals for the Federal Circuit's decision in United States v. Ford Motor Co., 497 F.3d 1331 (Fed. Cir. 2007), the motion is DENIED.

SO ORDERED.

Dated: November 8, 2007

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Also before the Court are (1) Defendants' Conditional Motion for Partial Summary Judgment Dismissing that Portion of the Government's Claim Which Seeks to Recover the Amount of Customs Duties for Each Shipment at Issue and (2) Defendants' Conditional Motion for Partial Summary Judgment on the Basis of Issue Preclusion Pursuant to 19 U.S.C. § 1514(a). Oral argument on these motions is scheduled for November 28, 2007 at 2:00 p.m.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 8, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160